

# **AQUACULTURE GUIDE**

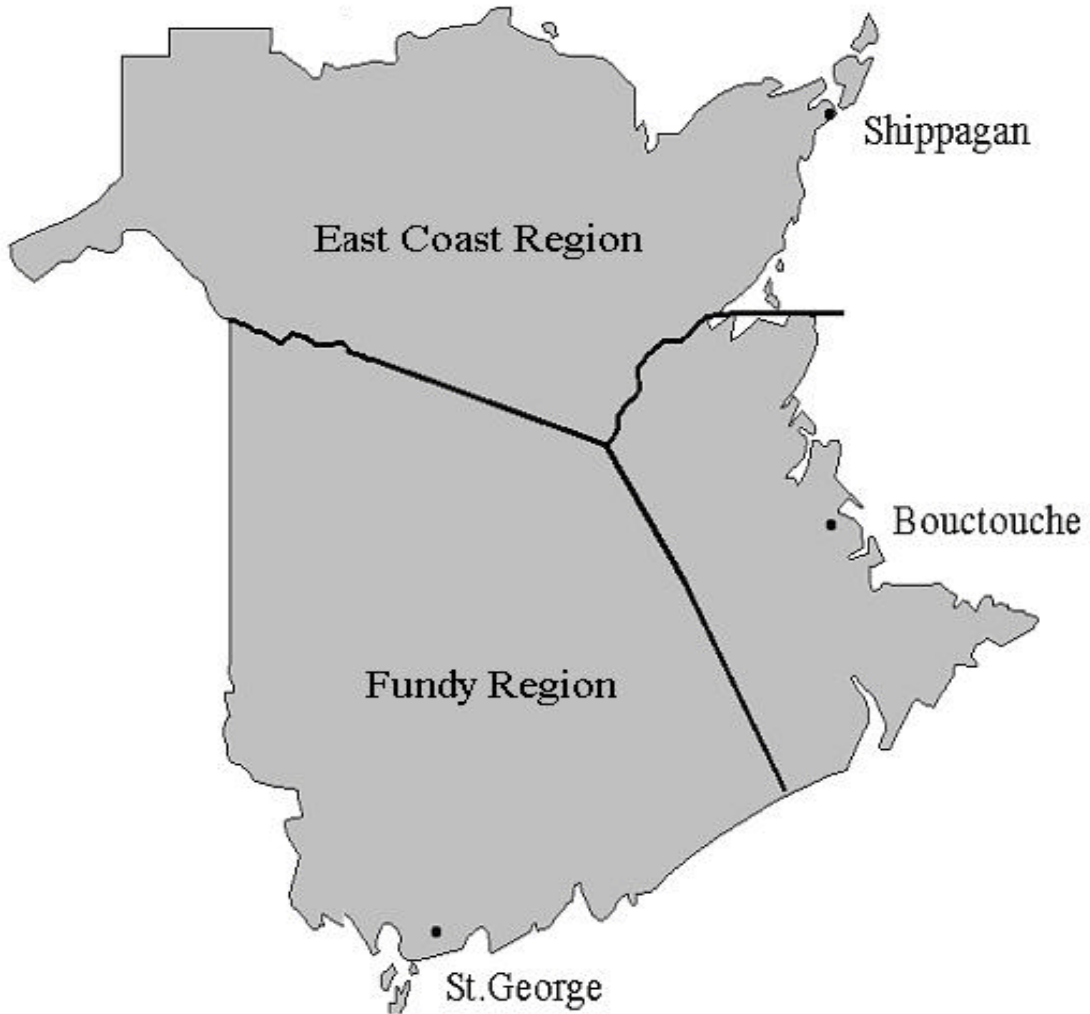
## **INLAND PRIVATE AQUACULTURE LICENCE APPLICATION**



Department of Agriculture, Fisheries and Aquaculture  
Province of New Brunswick  
January 2006

P.O. Box 6000, Fredericton, N.B. E3B 5H1  
Tel: (506)453-5229 Facsimile: (506)453-5210

**DAFA REGIONAL OFFICES**



## INTRODUCTION

This guide has been prepared to assist you with the completion of an aquaculture licence application for aquaculture activities located on land or in non-tidal waters. Examples of inland aquaculture sites include hatcheries, trout ponds (both commercial and private), as well as, grow out operations in non-tidal waters.

In situations where the development of an inland site is proposed on Provincial Crown Lands, an aquaculture lease and licence will be required. A separate guide has been prepared for applications of this nature.

Aquaculture in New Brunswick is regulated under the *Aquaculture Act* and the *General Aquaculture Regulation*. Copies of the Act and Regulation may be obtained for a nominal fee by contacting the Queen's Printer, P.O. Box 6000, Fredericton, N.B., E3B 5H1 or by calling (506) 453-2520.

Aquaculture, as defined in the *Aquaculture Act* "means the cultivation of aquatic plants and animals, but does not include the cultivation of aquatic plants and animals in a laboratory for experimental purposes or in an aquarium".

An Aquaculture licence is required to undertake the culture of aquatic species in New Brunswick. The licence provides the authority to conduct aquaculture at a specific site in accordance with the *Aquaculture Act* and *Regulation* and the terms and conditions outlined in the licence. The licence will also specify the species authorized for cultivation.

This guide has been prepared in consultation with the Provincial Department of Environment and Local Government, as the proposed activity may be subject to approvals required pursuant to the *Clean Environment Act* and the *Clean Water Act*. The guide contains a section specifically addressing approvals that may be required under the noted legislation.

If further assistance or more detailed

information is needed, help is available simply by contacting a Department of Agriculture, Fisheries and Aquaculture (DAFA) regional office:

### **East Coast Region**

100 Aquarium Street  
Shippagan, N.B.  
E8S 1H9

Tel: (506) 336-3751  
Fax: (506) 336-3057

26 Acadie Street  
Bouctouche, NB  
E4S 2T2

Tel: (506) 743-7222  
Fax: (506) 743-7229

### **Fundy Region**

107 Mount Pleasant Road  
St. George, N.B.  
E5C 3S9

Tel: (506) 755-4000  
Fax: (506) 755-4001

## **SECTION 1: THE AQUACULTURE APPLICATION FORM**

### **1.1 APPLICANT INFORMATION**

This section references general information on the applicant. It should be noted that the applicant name will be company or individual(s) to whom the aquaculture licence will be issued. For corporate applications, the applicant is required to provide a copy of the Certificate of Incorporation, which should be attached to the application.

If you wish to have someone act on your behalf as your agent, such as a lawyer, an accountant, or a consultant, then you should provide the necessary details. Once the applicant signs the application form and an agent is named, all negotiations will be conducted with the agent until directed otherwise in writing by the applicant.

**NOTE:** Section 4.4 "Property Ownership" should be referenced prior to identifying the applicant on the application form.

### **1.2 CLASSES OF LICENCES AND AQUACULTURE ACTIVITIES**

#### **1.2.1 Classes of Licences**

Outlined below are classes of aquaculture licences for inland aquaculture operations.

"Commercial aquaculture licence" means a class of aquaculture licence that permits a licensee to conduct aquaculture for commercial gain.

"Institutional aquaculture licence" means a class of aquaculture licence that permits a licensee to conduct aquaculture for research outside a laboratory or an aquarium, or for use in public fishery enhancement activities, and not for the purpose of commercial gain.

"Private aquaculture licence" means a class of aquaculture licence that authorizes a licensee to carry on aquaculture for private use and not for commercial gain.

Based on the definitions noted above please ensure the appropriate application form reflects the class of licence you wish to apply for. Commercial Aquaculture Licence Applications can be obtained at one of our regional offices.

### **1.3 EXISTING/PREVIOUS**

#### **3.1 Existing/Previous Approvals**

This section only applies to aquaculture sites previously licensed/approved by the Department of Environment and Local Government. If applicable, please provide the requested information.

In the event work previously approved under the expired Watercourse Alteration Permit has changed a new application for a Watercourse Alteration Permit must be completed. Applications may be obtained from any of the Department of Agriculture, Fisheries and Aquaculture or Environment and Local Government offices listed in this guide.

### **1.4 LOCATION OF AQUACULTURE SITE**

The general location of the site must be identified on the application form. This should include the town or community where the site is located and the road/street that is used to access the aquaculture site. A copy of the applicable section of a topographic map, with the location of the site must be provided. Copies of the noted maps are available from any of the DAFA Regional offices or SNB offices. Should you prefer to obtain a map, for a nominal fee, a map may be obtained from:

Service of New Brunswick  
Registry and Mapping  
432 Queen Street  
P.O. Box 1998  
Fredericton, N.B. E3B 5G4  
or by calling  
(506)-453-3390.

#### **1.4.1 Property Ownership Status**

The applicant must be the owner or lessee of the aquaculture site. Please check the appropriate box which describes your situation. If the property is leased, the term of the lease and the expiry date must be provided.

## **1.5 DESCRIPTION OF FACILITY**

A diagram drawn to scale which outlines the site lay out is required. The completion of the plan by a professional is not required provided it is drawn at a scale of 1: 500 (maximum) in ink and contains all the information requested in section 5 of the application form. This section is essential for the review of the application by the Department of Environment and Local Government. A sample diagram is located on page 6. (incomplete sketches will be returned).

## **1.6 WATER SOURCE INFORMATION**

Information provided in this section will be used by the Department of Environment and Local Government to assess the requirement for approvals under the *Clean Water Act* and the *Clean Environment Act*. Section 2 of the guide provides further details on the various approvals under the noted legislation.

### **1.6.1 Sources of Water**

A description of the surface and ground water sources is required. Please describe the source(s) of water that will be used (well, spring, river, etc...) for the aquaculture facility. For each water source the following information must be provided; the maximum flow available, maximum flow required and if the water source will be pumped.

### **1.6.2 Groundwater Source**

Water Source Approval under the *Clean Water Act* may be required for those operations using a groundwater source of water. The completion of this section is only necessary if you

are proposing to use a water source(s) that originates from a well (groundwater). Please identify all other users of a groundwater source within 250 metres of the proposed aquaculture facility. The nature of the use must also be provided ie. domestic use. This information is used to assess the impact the proposed use may have on existing users.

### **1.6.3 Other Users of the Water System for the Proposed Aquaculture Facility**

This section applies to facilities that propose to use water from a watercourse or lake. In order to assess potential impact on existing users of the water source you intend to use, please identify all existing users within 1km. The present use, user and distance from the proposed aquaculture facility must be provided. This section provides space for identifying both upstream and downstream users.

In the event the space provided is insufficient, please provide information on a separate attachment.

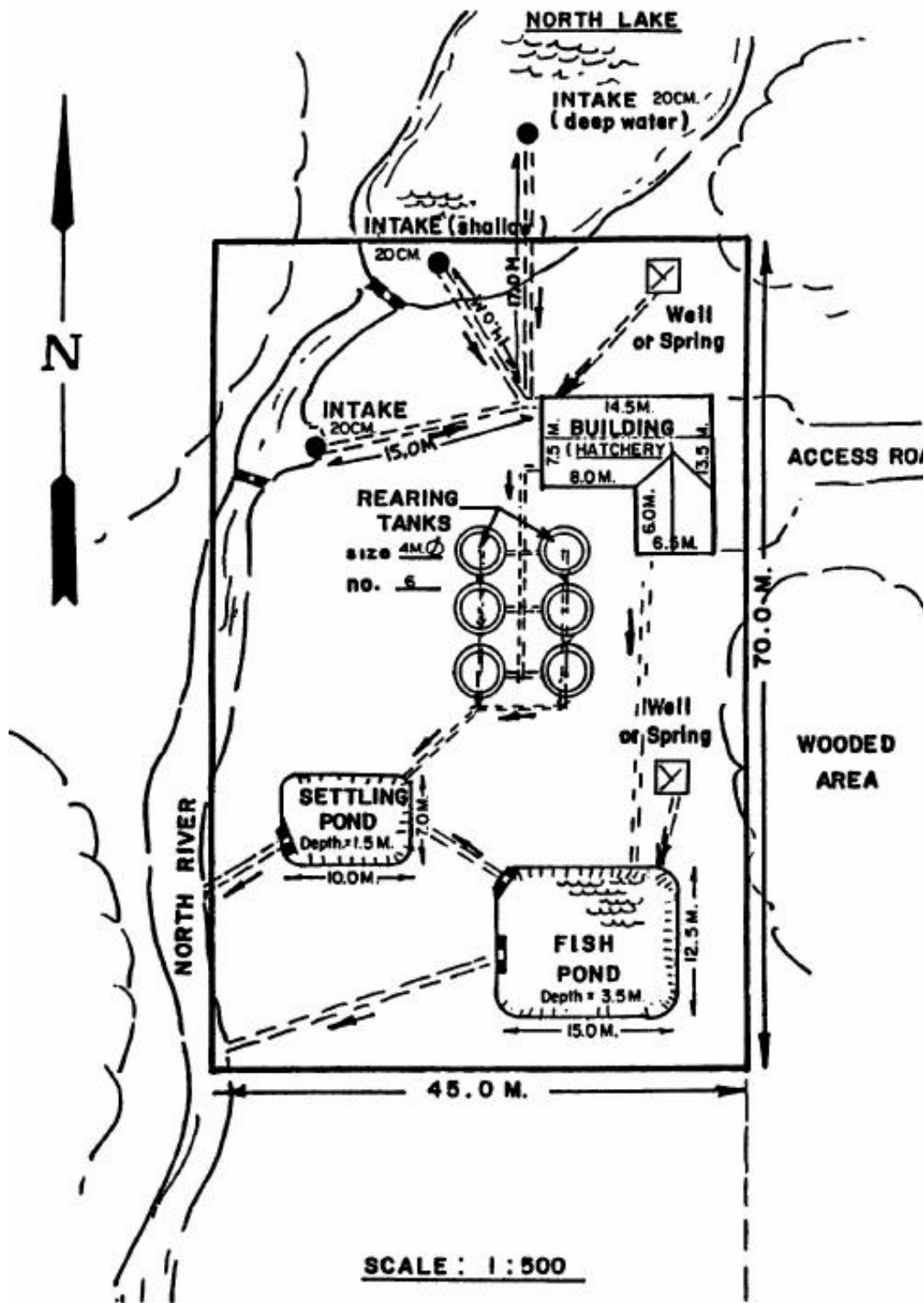
## **1.7 STOCK IDENTIFICATION**

### **1.7.1 Species and Supplier**

Please identify in the space provided the species you are requesting authorization to culture and the supplier you intend to acquire eggs and/or juvenile fish from. You are also required to identify the development stage of the fish being purchased ie. eggs, fry, or fingerling

It should be noted that if you wish to culture any species not indigenous to New Brunswick, a permit from Fisheries and Oceans Canada will be required. A special licence is also required if you plan to stock your facility with fish from a natural source.

Sample Diagram



### **1.7.2 Maximum Production**

Please provide the maximum number of fish that will be held at your site at one time. An average weight or length must also be provided. This information will be used to calculate the maximum biomass that can be held at the facility.

Please provide the estimated amount in kilograms of the maximum daily feed given.

### **1.8 APPLICANT SIGNATURE AND SUBMISSION OF THE APPLICATION**

Please date and sign the application in the space provided. The completed application and application fee must be mailed or delivered to the appropriate Department of Agriculture, Fisheries and Aquaculture Regional Office.

The submission of Inland Aquaculture Licence Applications to the appropriate Regional office is dependent on the County where the facility will be located. The last page of the guide outlines where the application should be submitted.

### **1.9 SUPPLYING FALSE INFORMATION**

Section 21(1) of the *Aquaculture Act* provides the Registrar with the authority to suspend or revoke an aquaculture licence if the Registrar is satisfied that the licensee has made a false statement in applying for a licence or for a renewal or amendment of a licence.

## **SECTION 2: ENVIRONMENT APPROVALS**

### **2.1 Environment Legislation**

In addition to your proposed aquaculture activity requiring a licence pursuant to the *Aquaculture Act*, the operation may be subject to approvals under the *Clean Environment Act* and the *Clean Water Act*. Outlined below is a brief description of Environmental legislation to which your operation may be subject. Aquaculture

applications will be used by the Department of Environment and Local Government to assess the requirement for approvals pursuant to the above-noted legislation.

### **2.2 Department of Environment and Local Government Contact**

Should you have any questions respecting Environmental legislation that inland aquaculture sites may be subject to please contact:

Department of Environment and  
Local Government  
Aquaculture Coordinator  
P.O. Box 6000  
Fredericton, N.B. E3B 5H1  
or by calling  
(506)453-2690

### **2.3 Clean Environment Act**

#### **2.3.1 Environmental Impact Assessment Regulation**

Aquaculture proposals for freshwater facilities may be subject to registration and screening under the *Environmental Assessment Regulation*. It should be noted, however, any works prior to August of 1987 are grandfathered in and are not subject to EIA screening. An information package entitled "Environmental Impact Assessment in New Brunswick" outlines the EIA process and requirements. Should you be interested in obtaining a copy please contact one of the Department of Agriculture, Fisheries and Aquaculture Regional Offices or the Department of Environment and Local Government. Upon review of the aquaculture application by the Department of Environment and Local Government, applicants will be contacted if the proposal is subject to the noted regulation.

#### **2.3.2 Water Quality Regulation**

Approval under the Water Quality regulation is orientated to ensuring the levels of

phosphorous and suspended solid discharged into receiving waters do not exceed established acceptable levels.

In general, facilities with a holding capacity of a 1000 kgs of fish or less will not require approval under the *Water Quality Regulation*. A final decision will not be made until the Department of Environment and Local Government has reviewed the information contained within the aquaculture application. Generally facilities with a biomass greater than 1000 kg will require approval.

## **2.4 Clean Water Act**

### **2.4.1 Watercourse Alteration Regulation**

For operations that will use water from a watercourse, undertake work in or within 30m of a watercourse or discharge to a watercourse a permit to undertake the activity under the *Watercourse Alteration Regulation* is generally required. Should your proposal involve work of this nature and approval has not been obtained from the Department of Environment and Local Government, it is suggested that the Aquaculture Coordinator with the Department of Environment and Local Government or one of the Regional Department of Agriculture, Fisheries and Aquaculture Offices be contacted to determine if a Watercourse Alteration Permit is required. A "Watercourse Alteration Package" which contains an application and outlines information requirements is available from the noted offices. Should your proposal require a Watercourse Permit, the application should be submitted with your Aquaculture Licence Application. Upon receipt of the application by the Registrar of Aquaculture it will be forwarded to the Department of Environment and Local Government for processing. In the event further information is required the Department of Environment and Local Government will contact you directly. Please note that a fee of \$25.00 is required by the Department of Environment and Local Government for a Watercourse Alteration Application. A cheque or money order made payable to the Minister of Finance should be attached to the Watercourse Alteration Application.

**NOTE:** Generally sketches requested in the Watercourse Alteration Application are not required provided the diagram requested in the Aquaculture Licence Application has been completed as outlined. All other information requested in the Watercourse Alteration Application must be provided.

### **2.4.2 Ground Water Source Approval**

For proposals involving the use of water from a groundwater source in excess of 45 460 Litres/Day approval may be required. Upon review by the Department of Environment and Local Government you will be advised of any approvals which are required.

A guide entitled "Ground Water Source Approvals" is available from any of the Department of Agriculture, Fisheries and Aquaculture Regional offices or by contacting the Department of Environment and Local Government office.

### **2.4.3 Watershed Protection Guidelines**

Within the Province the Department of Environment and Local Government has designated certain watersheds as being protected. The discharge from aquaculture facilities into these watersheds is not permitted. Applications will be reviewed to ensure they are not located on designated watersheds. A list of protected watersheds may be obtained from any Department of Agriculture, Fisheries and Aquaculture or Department of Environment and Local Government office.

## **SECTION 3: FISH PROCESSING APPROVALS**

### **3.1 Provincial Legislation**

Processing of fish and the subsequent sale in New Brunswick is regulated under the *Fish Processing Act*, Chapter F-18.01 and the *Fish Inspection Act*, Chapter F-18 and their respective Regulations.

#### **3.1.1 Fish Processing Act**



In the event the operator of an aquaculture facility contemplates any form of processing of the cultured product, it must take place in a licensed fish processing plant, unless sales are to be made at the farm gate to the final consumer.

A fish Processing Licence is required to operate or maintain a processing plant. The *Fish Processing Act* governs the activity.

### **3.1.2 Fish Inspection Act**

In accordance with the *Fish Inspection Act*, no person shall purchase, offer to purchase or collect fish for resale or for processing unless he is the holder of a Buyer's Licence under the noted legislation.

A Fish Processors licence under the *Fish Inspection Act* is required for anyone who operates or maintains an establishment for processing fish which must be licensed under the *Fish Inspection Act*. The fish processors licence governs the activity while the later specifies the location of the processing facility.

The *Fish Inspection Act* is administered by the Department of Health and Wellness.

### **3.1.3 Contacts**

Should you have any questions or require further information on licence requirements that are required under the noted legislation please contact staff in one of the DAFA Regional offices:

26, rue Acadie  
Bouctouche, N.B. E4S 2T2  
Tel: (506)743-7222

107, Mount Pleasant Rd  
St. George, N.B. E5C 3K5  
Tel: (506)755-4000

100 Aquarium Street

Shippagan, N.B. E8S 1H9  
Tel: (506)336-3751

## **3.2 Federal Legislation**

In the event you intend to ship product outside the province, the product must be processed in a facility licensed by the Canadian Food Inspection Agency (CFIA). For further information on this please contact the following CFIA office:

61 Wallace Cove Road  
Black's Harbour, N.B. E5H 1G9  
or by calling  
(506) 456-4050

## **SECTION 4: THE APPLICATION REVIEW PROCESS**

An application for an aquaculture licence is initiated by submitting the completed application to the appropriate Regional office.

### **4.1 REGIONAL OFFICE**

On receipt of an application at the Regional Office, it will be checked for completeness. The application will then be forwarded to the Registrar of Aquaculture for processing.

### **4.2 REGISTRAR OF AQUACULTURE**

A letter of acknowledgement will be sent upon receipt of the application by the Registrar. If any additional information is required, it may be requested from the applicant.

### **4.3 INTERAGENCY REVIEW**

All applications for Aquaculture Licences are subject to an interagency review coordinated by the Department of Agriculture, Fisheries and Aquaculture.

The government agencies who review the application are:

- i) Provincial Government Departments of:
  - a) Agriculture, Fisheries and Aquaculture
  - b) Natural Resources
  - c) Environment and Local Government
- ii) Federal Government Departments of:
  - a) Fisheries and Oceans Canada
  - b) Transport Canada, Canadian Coast Guard (only sites located in navigable non tidal waters)

All applications are assessed against each agency's particular responsibility with comments and recommendations being returned to the Department of Agriculture, Fisheries and Aquaculture. Depending on the circumstances, other government agencies may be requested to review the application.

#### **4.4 APPLICATION DECISIONS**

Decisions related to the issuance of aquaculture licences are rendered as follows:

Based on the review of the application, the Registrar will render a decision on the application at which time the applicant will be advised accordingly. The Registrar's decision may be appealed to the Minister of Agriculture, Fisheries and Aquaculture within 30 days of receipt of the Registrar's written decision. The appeal must be submitted in writing clearly stating the reason for the appeal and also must include a \$200.00 appeal fee payable to the Minister of Finance. This fee will be refunded if the Registrar's decision is reversed by the Minister; but, if the Registrar's decision is upheld the fee will not be refunded.

### **SECTION 5: SITE OPERATIONS**

#### **5.1 COMPLIANCE WITH ZONING BY-**

### **LAWS AND PROVINCIAL REGULATIONS**

It is the applicant's responsibility to ensure proposed development is consistent with municipal by-laws or *Provincial Planning Regulations*. For a proposed development within a municipality, enquiries should be directed to the office for the municipality. Enquiries respecting other areas should be directed to the Department of Municipalities, Culture & Housing, Land Use Planning Branch in your area. Contacts for the noted agencies may be acquired from the Regional Department of Agriculture, Fisheries and Aquaculture offices.

#### **5.2 VIOLATIONS**

If anyone is conducting aquaculture without a valid aquaculture licence or if a person is involved in aiding, abetting or instigating an illegal activity, then they are liable on summary conviction to a fine of not less than \$100.00 and not more than \$1,000.00 per day pursuant to the *Provincial Offences Procedure Act*.

If anyone is convicted of any offence under the *Aquaculture Act* or the *Regulations* they are not eligible to apply for an aquaculture licence for a three year period.

### **SECTION 6 : FEES**

#### **6.1 AQUACULTURE FEES**

##### **6.1.1 Aquaculture Licence Application Fee**

An application for an Inland Aquaculture Licence is subject to an application fee that must be submitted at the time of application. The same fee applies to all categories of licences.

- i) Application Fee:\$ 10.00

##### **6.1.2 Annual Aquaculture Licence Fees**

- i) Commercial: \$ 50.00

ii) Institutional: \$ 20.00

iii) Private: \$ 10.00

The fee for the first year will be collected upon issuance of a licence, with further annual fees due before the first of April of each year for the duration of the licence

## **6.2 WATERCOURSE ALTERATION FEES**

Watercourse Alteration Applications are subject to the following fees:

i) Watercourse Alteration  
Application Fee: \$ 25.00

ii) Renewal Fee: \$ 10.00

Applications for aquaculture licenses should be submitted to the DAFA Regional office for the county in which the facility will be located. The regional offices of the Department of Agriculture, Fisheries and Aquaculture are listed below, along with their mailing and shipping address. The counties served by the different offices are indicated as well.

### **FUNDY REGION**

**Counties (Region 3)**      Victoria                      Carleton  
                                 York                              Sunbury  
                                 Charlotte                      Queens  
                                 Kings                             Saint John

Please return to:      Department of Agriculture, Fisheries and Aquaculture  
                                 P.O. Box 1037  
                                 107 Mount Pleasant Road  
                                 St. George, N.B. E5C 3S9

### **EAST COAST REGION**

**Counties (Region 1)**      Madawaska                      Gloucester  
                                 Restigouche                      Northumberland, north side of Miramichi River

Please return to:      Department of Agriculture, Fisheries and Aquaculture  
                                 100 Aquarium Street  
                                 Shippagan, N.B. E8S 1H9

**Counties (Region 2)**      Westmorland                      Kent  
                                 Albert                              Northumberland, south side of Miramichi River, including parish  
                                    of South Esk

Please return to:      Department of Agriculture, Fisheries and Aquaculture  
                                 26 Acadie Street  
                                 Bouctouche, N.B. E4S 2T2

### **APPLICATION FEES**

**Aquaculture license application fee:**

Please enclose your \$10.00 application fee.

**Watercourse alteration permit application fee and renewal fee:**

Applications for a watercourse alteration permit: please enclose a separate cheque or money order for \$25.00

Applications for a watercourse alteration permit renewal: please enclose a separate cheque or money order for \$10.00

**YOUR CHEQUE(S) OR MONEY ORDER(S) MUST BE MADE PAYABLE TO THE MINISTER OF FINANCE.**